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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

*Ex parte RAVINDRA R. MANTENA, CHRISTINA L. MATTOON,
BIJAY SATPATHY, and JULIE A. WHEELER-CYRAN*

Appeal 2007-2350
Application 09/751,069
Technology Center 2100

Decided: January 15, 2008

Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and
JAY P. LUCAS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal from the Examiner's final rejection of claims 1-112, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. §§ 6(b), 134(a). We affirm-in-part.

Appellants' invention relates to synchronous communications between a public electronic environment (e.g., a browser on a global

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computer network) and a private electronic environment (e.g., an Enterprise Resource Planning (ERP) application on a private computer network), which are facilitated by automatically routing a communication from the browser to the ERP application through messaging middleware. (Abstract.) Claim 1 is illustrative:

1. A method for synchronous communication between a public electronic environment and a private electronic environment, comprising:

automatically routing a communication from a user in the public electronic environment to the private electronic environment;

causing a reply to the communication to be produced within the private electronic environment in real time; and

automatically returning the reply from the private electronic environment to the public electronic environment.

The Examiner relies on the following references as evidence of unpatentability:

Candle and AT&T Team up at SAPPHIRE Conference to Demonstrate Any-To-Any Application Integration For SAP R/3 Application Via the Web or Lotus Notes (“ERPNet”), Dialog File 20, Accession No. 02821200, PR Newswire, Sep. 15, 1998.

Gralla, How The Internet Works, Millenium Edition, Macmillian Computer Publishing, 262-263, 1999.

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Claims 1, 29, 57, and 85 are independent.

Claims 1-7, 10, 11, 14-17, 22-27, 29-35, 38, 39, 42-45, 50-55, 57-63, 66, 67, 70-73, 78-83, 85-91, 94, 95, 98-101, and 106-111 stand rejected under 35 U.S.C. § 102(b) as being anticipated by ERPNet.

Claims 1, 29, 57, and 85 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gralla.

Claims 8, 9, 12, 13, 18-21, 28, 36, 37, 40, 41, 46-49, 56, 64, 65, 68, 69, 74-77, 84, 92, 93, 96, 97, 102-105, and 112 are rejected under 35 U.S.C. § 103(a) as being unpatentable over ERPNet.

OPINION

I. Section 102(b) rejection of claims 1-7, 10, 11, 14-17, 22-27, 29-35, 38, 39, 42-45, 50-55, 57-63, 66, 67, 70-73, 78-83, 85-91, 94, 95, 98-101, and 106-111 over ERPNet

ERPNet describes a business-to-business enterprise resource planning (ERP) network named “ERPNet(TM).” The Examiner finds instant claim 1 to be anticipated by ERPNet’s description in paragraphs 6 through 9 of ERPNet. (Ans. 3.)

ERPNet provides:

ERPNet Global Demo Involves Web or Notes Clients and AT&T VPN

Using Candle’s innovative Roma(TM) technology for application integration, ERPNet consists of Java-enabled Web browser or a Lotus Notes client order- entry system (front-end

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application) communicating to an SAP R/3 system over IBM's MQSeries or Microsoft's MSMQ (back-end application). The connection is made over the Internet via Candle's Roma Business Services Platform (BSP) and an AT&T virtual private network (VPN).

Both the Web and Notes clients are demonstrating the purchase of an automobile in the Candle booth at SAPPHIRE. The client transaction routes into an AT&T VPN in New Jersey, where the transaction discovers process locations via the LDAP-enabled Roma Directory. Conversions between MQSeries and MSMQ messaging transports are performed by the Roma Auto Bridge(TM) at the AT&T New Jersey center.

The transaction then goes to Minneapolis where a Candle development center utilizes transformation engines from New Era of Networks, Inc. (NEON) and TSI Software to convert the data for use by the SAP R/3 system located at Candle's facility in Westlake Village, Calif.

ERPNet enables customers to monitor the flow of the entire four-city transaction and the speed of orders being placed. Through Candle's Roma Systems Manager, users can see a graphical depiction of their order/message from front end to back end. This end-to-end detail provides network managers with the ability to isolate slowdowns caused by problems with networked applications. In addition, Roma System Manager provides facilities for workload balancing and quality of service.

ERPNet ¶¶ 6-9 (with heading).

The Examiner finds that the "front-end" communications described by ERPNet is a "public electronic environment" as claimed, and that the "back-

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end” communications is a “private electronic environment” as claimed.
(Ans. 3.)

Appellants argue ERPNet discloses the progress of an automobile order, but there is no reply that is produced, and certainly no reply in “real time” as claimed. Appellants also submit that the reference does not disclose automatically returning the reply from the private electronic environment to the public electronic environment, as required by claim 1.

(App. Br. 18-19.)

The Examiner responds that ERPNet describes customers being able to monitor the flow of the four-city transaction. The Examiner finds that the description means that, at each point, a reply is sent back to the user to allow the user to see the current status of the order. The Examiner further finds that the reply is produced in real time, based on the fact that the user is able to monitor the progress of the transaction flow, and that each status update is a reply sent back to the public electronic environment. (Ans. 6.)

Appellants argue, in turn, that monitoring the flow of an order from the front end to the back end does not necessarily mean that a reply (e.g., confirmation of the order, delivery, or notification of delivery of the automobile ordered) to the order is sent. According to Appellants, ERPNet discloses observing the one-way travels of an automobile order, rather than replying or responding to the order. (Reply Br. 2-3.)

ERPNet discloses that users can monitor the speed of orders being placed, by means of a graphical depiction of the order from front end to back

end, which enables isolating slowdowns caused by problems with networked applications. ERPNet ¶ 9. We agree with the Examiner that the reasonable inference drawn by the artisan is that a reply to the order is produced within the private electronic environment (back end, or destination) in real time and automatically returned to the public electronic environment (front end, or source). The graphical depiction requires that a reply be produced in real time at each node, other than the source node, of the four-city transaction, and automatically returned to the front end -- although instant claim 1 neither requires nor precludes any of the intermediate replies. If there were not real-time replies to the communication in ERPNet, there would be no ability to isolate slowdowns in the networked system.

Appellants submit that the claim 1 “reply” is in the sense of a response to the communication. (Reply Br. 3.) We agree. The “reply” in ERPNet is in the sense of a response to the communication.

Appellants also suggest, however, that we are to refer to the Specification and read some kind of limitation on content into the “reply” of claim 1. (*See id.*) That we cannot do. Claim 1 does not specify the content of the reply, but only that it constitutes a “reply” to the “communication.” The *claims* measure the invention. *See SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc). During prosecution before the USPTO, claims

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are to be given their broadest reasonable interpretation, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim.

See In re Morris, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969). “An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.” *In re Zletz*, 893 F.2d at 322.¹

We are therefore not persuaded of error in the Examiner’s finding of anticipation with respect to claim 1. We sustain the rejection over ERPNet.

With respect to claims 3 and 4, the Examiner notes that ERPNet describes the system as including messaging middleware. In particular, as described in the above-reproduced section of ERPNet, system communication is by means of (IBM) MQSeries or (Microsoft) MSMQ. Appellants, for their part, prefer MQSeries over MSMQ as the messaging middleware. (Spec. 6: 20-24.)

Appellants argue, however, that although ERPNet describes messaging middleware, it does not describe the middleware causing the ERP application to produce the reply while the front end application and the messaging middleware wait therefore, nor causing a command to be issued

¹ Moreover, designation of the *content* of the reply in the framework of claim 1 would represent nonfunctional descriptive material, not entitled to patentable weight. *See Manual of Patent Examining Procedure* (MPEP) § 2106.01 (8th ed., Rev. 6, Sept. 2007).

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to the ERP application to trigger production of the reply. (App. Br. 19-20; Reply Br. 3.)

We will not sustain the rejection of claims 3 and 4. We agree with Appellants to the extent that the rejection fails to show description, sufficient for anticipation, in ERPNet for the subject matter of claim 3. The reference simply fails to describe the claimed interaction between the ERP application and the messaging middleware. Although ERPNet uses the same messaging middleware as taught by Appellants, the claimed interaction does not necessarily follow in the reference because the “reply” in ERPNet is not an application-level reply as described in Appellants’ Specification. Moreover, ERPNet discloses that it is “Candle’s Roma Systems Manager” (¶ 9, and further described in the reference) by which users may see a graphical depiction of order progress, without details of the particular components that are required in providing information for the depiction. Claim 4 adds further limitations to claim 3, which are also not met by the reference.

We also agree with Appellants that the rejection fails to show description, sufficient for anticipation, in ERPNet for the subject matter of claims 10 and 23.² Appellants argue the limitations of claims 11, 14, and 15 separately, but each incorporates the limitations of at least claim 10. We do not sustain the rejection of claims 10, 11, 14, 15, and 23.

We have considered representative claims in view of Appellants’ arguments in the Appeal Brief. *See* 37 C.F.R. § 41.37(c)(1)(vii). In view of

² Moreover, each claim incorporates the limitations of at least claim 3.

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Appellants' arguments, corresponding claims,³ and claim dependencies, Appellants have not demonstrated error in the rejection of claims 1, 2, 27, 29, 30, 55, 57, 58, 83, 85, 86, and 111. Appellants have demonstrated error in the rejection of claims 3-7, 10, 11, 14-17, 22-26, 31-35, 38, 39, 42-45, 50-54, 59-63, 66, 67, 70-73, 78-82, 87-91, 94, 95, 98-101, and 106-110.⁴

II. Section 102(b) rejection of claims 1, 29, 57, and 85 over Gralla

Appellants argue claim 1 as being representative of the independent claims rejected over Gralla.

Gralla describes online buying of a product over the Internet, which includes sending secure credit card information to a credit card company via the vendor's transaction server. The Examiner finds:

Gralla discloses communications between a public environment (internet) to a private environment (shopping site, bank), routing communication from the user in the public environment to the private environment (page 263 step 4) causing a reply to be produced in real time (step 5) and returning the reply to the user (step 6).

(Final Rej. 3; Ans. 4.)

Appellants' arguments in the Appeal Brief (24-25) do not appear responsive to how the Examiner reads claim 1 on the reference. The

³ Appellants argue claim 1 as representative of all the independent claims (1, 29, 57, and 85), and claims depending from claim 1 as representative of claims depending from the other independent claims.

⁴ We observe in passing that "the token identifier" in each of claims 11 and 95 lacks proper antecedent basis in the claim.

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remarks in the Reply Brief (5-6) seem to suggest that Appellants believe claim 1 to require one and only one “reply” that is something more than the “reply to the communication” as recited in the claim.

We agree with the Examiner that the “reply” as claimed does not distinguish over the order confirmation described by Gralla, which is produced within the private electronic environment in real time. We agree with the Examiner that the broad terms of representative claim 1 are met by Gralla.

III. Section 103(a) rejection of claims 8, 9, 12, 13, 18-21, 28, 36, 37, 40, 41, 46-49, 56, 64, 65, 68, 69, 74-77, 84, 92, 93, 96, 97, 102-105, and 112 over ERPNet

Appellants neither acknowledge nor address the rejection of the claims under 35 U.S.C. § 103(a) over ERPNet. We are thus not persuaded of error to any extent in the rejection of the claims. *See* MPEP § 1205.02 (“If a ground of rejection stated by the examiner is not addressed in the appellant’s brief, that ground of rejection will be summarily sustained by the Board.”).

CONCLUSION

The rejection of claims 1-7, 10, 11, 14-17, 22-27, 29-35, 38, 39, 42-45, 50-55, 57-63, 66, 67, 70-73, 78-83, 85-91, 94, 95, 98-101, and 106-111 under 35 U.S.C. § 102(b) as being anticipated by ERPNet is

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affirmed with respect to claims 1, 2, 27, 29, 30, 55, 57, 58, 83, 85, 86, and 111, but reversed with respect to claims 3-7, 10, 11, 14-17, 22-26, 31-35, 38, 39, 42-45, 50-54, 59-63, 66, 67, 70-73, 78-82, 87-91, 94, 95, 98-101, and 106-110.

The rejection of claims 1, 29, 57, and 85 under 35 U.S.C. § 102(b) as being anticipated by Gralla is affirmed.

The rejection of claims 8, 9, 12, 13, 18-21, 28, 36, 37, 40, 41, 46-49, 56, 64, 65, 68, 69, 74-77, 84, 92, 93, 96, 97, 102-105, and 112 under 35 U.S.C. § 103(a) as being unpatentable over ERPNet is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART

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